

*IN THE HIGH COURT FOR THE STATES OF PUNJAB  
AND HARYANA AT CHANDIGARH.*

CWP No. 1228 of 2015. [O&M]  
Date of Decision: 11<sup>th</sup> August, 2015.

Shish Ram  
Versus

Petitioner through  
Mr. P.R. Yadav, Advocate

Commissioner, Gurgaon Division & Ors.  
Respondents through  
Ms. Kirti Singh, DAG, Haryana.  
Mr. Manish Soni, Advocate, for  
respondent No.4.

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***CORAM: HON'BLE MR. JUSTICE SURYA KANT  
HON'BLE MR. JUSTICE JASPAL SINGH***

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- 1. Whether Reporters of local papers may be allowed to see the judgment?***
- 2. To be referred to the Reporters or not?***
- 3. Whether the judgment should be reported in the Digest?***

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**SURYA KANT, J. [ORAL]**

The petitioner impugns the orders dated 29.04.2011, 30.03.2012 and 30.10.2014 [P-5, P-6 and P-7] respectively. Vide the first order, Assistant Collector 1<sup>st</sup> Grade, Kosli allowed the eviction application filed by respondent No. 4 under Section 7 of the Punjab Village Common Lands [Regulation] Act, 1961 as the petitioner was found to have encroached upon the public street, measurements whereof are given in the ultimate paragraph of the order. Vide the subsequent orders, petitioner's appeal and revision, have been dismissed by the Collector and Commissioner, Gurgaon Division, Gurgaon, respectively.

[2]. The stand of the petitioner before the Authorities was that he has constructed a house on his own plot and there is no encroachment on the public street.

[3]. On the other hand, the allegation of the complainant – respondent No. 4 was that the petitioner has encroached upon and raised construction on a part of the street.

[4]. It was in the light of these rival contentions that the Assistant Collector 1<sup>st</sup> Grade, Kosli got demarcated the disputed site by Naib Tehsildar, Kosli in the presence of the petitioner on

26.04.2011. Not only this, ACIG himself inspected the spot. It was thereafter that a finding was returned with regard to encroachment on the public street by the petitioner.

[5]. The aggrieved petitioner has approached this Court.

[6]. While calling upon the Gram Panchayat, this Court on 23.01.2015 observed that at best the passage could be re-demarcated by the Local Commissioner in the presence of the parties. This observation was made keeping in view Site Plans [P-10 and P-11] on record. From the Site Plan [P-11] one gets a clear impression that the petitioner has encroached upon the part of street towards North-West corner of his plot. In that very corner, the complainant – respondent No. 4 has installed his gate to have excess to his house. As observed earlier, whether the petitioner has encroached upon the public street or not at point 'AB' is a question of fact which has been concurrently answered by the authorities against him. In these circumstances, we find no merit in this writ petition, which is accordingly dismissed.

[7]. However, we direct Assistant Collector 1<sup>st</sup> Grade, Kosli and Gram Panchayat, Berumpur to initiate action against other encroachers of the village who are said to have made similar type of encroachments and have reduced the width of the street.

[8]. Dasti.

**( SURYA KANT )  
JUDGE**

**August 11, 2015.  
dinesh**

**( JASPAL SINGH )  
JUDGE**